

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHRISTOPHER S. STRECKENBACH,

Plaintiff,

-vs-

Case No. 15-CV-451

CHARLES VAN DENSEN,

Defendant.

ORDER

Christopher Scott Streckenbach, a Wisconsin state prisoner, filed a *pro se* action under 42 U.S.C. § 1983, alleging his civil rights were violated. This matter is before the Court on the plaintiff's motion requesting that the Court order the Wisconsin Department of Corrections to release funds from his release account to pay the balance of the filing fee in this action. (ECF No. 12.)

The Prison Litigation Reform Act (PLRA) requires the Court to collect the filing fee from a "prisoner's account." 28 U.S.C. § 1915(b). The term "prisoner's account" encompasses both a prisoner's release account and his general account. *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). However, "given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration,

the Court does not deem it prudent to routinely focus on the release account as the initial source of funds to satisfy the filing fee payment requirements of the PLRA.” *Smith v. Huibregtse*, 151 F. Supp. 2d 1040 (E.D. Wis. 2001). Nevertheless, upon request, the Court may allow a plaintiff to pay a filing fee, or a portion thereof, out of his release account. *Doty v. Doyle*, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

The plaintiff’s desire to have the balance of the filing fee (\$258.01) deducted from his release account is clear, and, according to the account statement filed with the Court, he has sufficient funds in the account to do so. Accordingly, the Court will grant the plaintiff’s motion.


NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED that the plaintiff’s motion to pay the remainder of his filing fee from his release account (ECF No. 12) is **GRANTED**.

IT IS FURTHER ORDERED that the warden at Redgranite Correctional Institution shall withdraw \$258.01 from the plaintiff’s release account and forward that sum to the Clerk of this Court as payment for the balance of the filing fee in this action. Such payment is to be made by **September 11, 2015**.

IT IS FURTHER ORDERED that a copy of this order be sent to the warden of Redgranite Correctional Institution.

Dated at Milwaukee, Wisconsin, this 14th day of August, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge